

Declaration of Graham Smith
Exhibit 5

BEST AVAILABLE COPY

Endoscopy Division

Smith & Nephew, Inc.
160 Dascomb Road, Andover, MA 01810 U.S.A.
Telephone: 978-749-1000
Telefax: 978-749-1599

Smith+Nephew

May 8, 2001

BEST AVAILABLE COPY

Atty. Phyllis Kristal
FISH & RICHARDSON
225 Franklin Street
Boston, MA 02110-2804


Re: Patent Disclosure/
Knotless Sliding Suture Anchor/Graham Smith.

Dear Phyllis:

Enclosed please find the referenced patent disclosure along with prior art search. Would you compare this disclosure to the Knotless One Step Anchor submitted by Stefan Gabriel and Dennis Colleran. Note that this disclosure pre-dates the one step disclosure. Once you have had a chance to review this matter, please let us know what your recommendations are.

Thanks for your help.

Very truly yours,


Marie P. Concemi
Paralegal

Enc.

cc: G. Smith
G. Stacey (disclosure only)